

REMARKS

This amendment is filed with a Request for Continued Examination, as the amendment to independent claims 32 and 33 is expected to require further consideration and/or search. Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Status of the Claims

Claim 15 is amended to correct the dependency.

Claims 32 and 33 are amended to describe that the horizontally arranged nozzle is fixed to the housing. Support for the amendment may be found, for example, in the description of Figure 2. That is, nozzle 29 is fixed to the housing, specifically at the belt 11.

No new matter has been added.

Claims 13, 15-26, 32, and 33 are pending upon entry of this amendment.

Claim Rejections-35 USC §102

Claims 13, 15-18, 21-25, 32 and 33 were rejected under 35 U.S.C. §102(b) as anticipated by GODA U.S. 3,741,444 (GODA). This rejection is respectfully traversed for the reasons that follow.

GODA discloses a bottle, or dispensing device, including a reservoir 10, an ejection assembly 40 that is

supported on a wall 33 of the reservoir and that is equipped with an actuating member emerging from a centrally located opening on top of said reservoir:

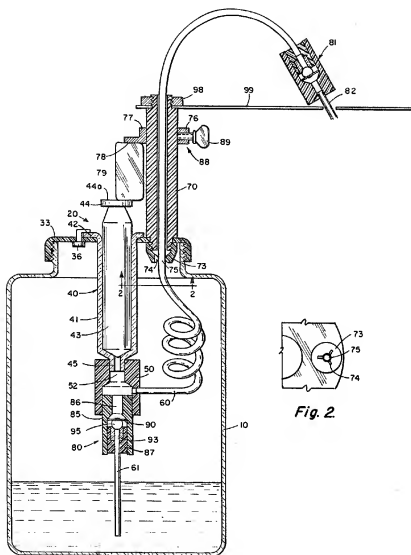


Fig. 2



Fig. 1.

The actuating member of GODA comprises a push-button 44 which is manually depressible in a vertical actuating direction in order to eject a quantity of liquid or semi-

liquid product from the reservoir 10 through a passage in said actuating member, said vertical actuating direction being vertically aligned with said actuating member along a central axis of the reservoir.

GODA also comprises a connecting member (60, 70, 75, 81) comprising:

- a first end connected to the actuating member in a horizontal direction,

- a second end (81) connected to a valve (81) connected to a short piece of output tubing (82),

- a flexible output tube (60) extending between said first and second ends and that is adapted to conduct said quantity of the liquid or semi-liquid product to said outlet member without transmitting any substantial force to said outlet, the tube being adapted to extend out of said bottle through the exit aperture of a cap member (33) (claim 1 c, line 17-19)

- an elongated post member (70) rigidly mounted in said cap (33) adjacent said plunger and extending upwardly from said cap (claim 1.e. line 23-25)

said output tube (60) extending out of said bottle through said tubular post member (claim 3, line 37-38),

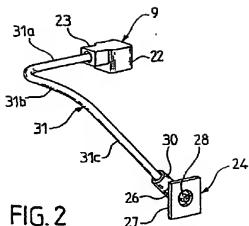
- an extra tubing length is contained within said bottle (claim 5, line 42-44) .

GODA discloses (at col 3, line 61 - col 4, line 5),
*"the tubing can readily be pulled from, or pushed into, the
bottle to suit convenience"*. This shows that the outlet member
is free when in use. GODA also specifies (col 1, line 66-col 2
line 2) that *"the outlet tube which is preferably a flexible
plastic tube is adapted to extend out of the bottle through
the exit aperture of the cap member"*.

The output tubing tube 82 can be received in a hole
of a rest arm (99), but only when not in use.

Applicant considers that GODA is not relevant to the
claimed invention.

The device disclosed in the present patent
application and claimed in claim 13 differs from the device
disclosed by GODA in that the outlet member is connected
fixedly to the reservoir. See, e.g., the third to last recited
feature of claim 13. That is, the connecting member
illustrated in Figure 2 (shown below) includes a first end 23,
a flexible tube 31, and a second end 30 connected to the
outlet member 24:

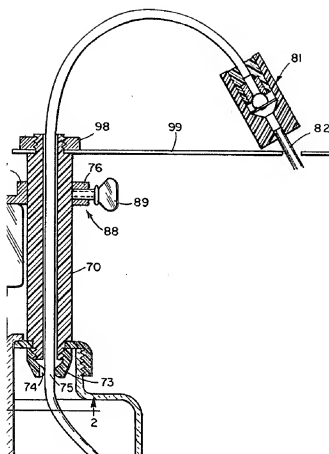


The outlet member 24 is connected fixedly to the reservoir.

In GODA, however, the outlet member is not connected fixedly, or rigidly fixed, to the reservoir. The tube (60) is slidably moveable in the passage of a post (70) which is connected fixedly to the reservoir, but the outlet member is free in every directions when in use.

The position of the Official Action was that the "connecting member" of GODA is divided into two parts:

- a first part of the tube (60) connected to the first end and terminating at the reference 75, and
- a second part called "outlet member" 70, including the second part of the tube 60 slidably moveable in the post (70), the nozzle of which is, in fig 1, received in its rest position through a hole of a rest arm (99), as shown below:



However, Applicant considers that the second part can not be considered as an outlet member that is fixedly attached to the bottle, because the tube extends integrally from its first end to the valve (81) and the outlet tube (82).

Although the post (70) is rigidly fixed to the bottle, the tube 60 itself is moveable in the post (60).

Although the rest arm (99) is fixed to the bottle, the outlet tube (82) can be removed from the rest arm (99), so that the outlet member is not fixedly attached to the reservoir.

In addition, the rest arm is rotatably mounted around the post (70) so that it is not fixedly attached to the reservoir.

Thus claim 13, and consequently claims 15-18 and 21-25 which depend on claim 13, are not anticipated by GODA.

The device disclosed in the application and claimed in claims 32 and 33 differs from the device disclosed by GODA in that:

- GODA does not disclose a housing containing the reservoir;
- GODA does not disclose any horizontally arranged nozzle, because, as it has been explained above, the outlet tube (82) of GODA is free when in use, so that no direction can be fixedly "chosen";
- GODA does not disclose any nozzle fixed to the "housing", because the outlet tube (82) is free when in use, and can only be received in the rest arm (99) when not in use;
- the outlet tube, when received in a hole of the rest arm, is not secured, so it is not fixed.

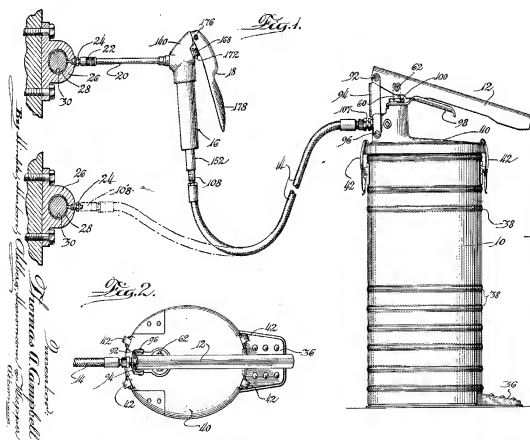
Thus, claims 32 and 33 are not anticipated by GODA.

Therefore, as none of the claims are anticipated by GODA, withdrawal of rejection is respectfully requested.

Claims 32 and 33 were rejected under 35 U.S.C. §102(b) as anticipated by CAMPBELL U.S. 2,655,287 (CAMPBELL).

This rejection is respectfully traversed for the reasons that follow.

CAMPBELL was offered for teaching a dispensing device including a housing that contains a reservoir 10, a pump 60, a dip tube 50, a manually depressed push-button 12, an horizontal outlet sleeve 107, a flexible tube 14 connected to the sleeve at a first end and a horizontally arranged nozzle 20 as shown in figure 1 connected at a second end 108 of tube 14 wherein the nozzle 20 is horizontally connected to various fixtures 26 as shown in figure 1 wherein at least some of the fixtures will be oriented in a direction that is different from the horizontal sleeve 107. Figure 1 is below:



However, the device disclosed in the present application and claimed in claims 32 and 33 differs from the device disclosed by CAMPBELL in that:

- CAMPBELL does not include a manually depressible push-button, but rather an actuating handle item 12 having a finger grip and stop 98 disposed on a top of the pump (col 2, lines 40-46);
- the "first end" of the "flexible tube" of CAMPBELL connected to the "horizontal sleeve 107" does not diverge from a vertical flat plane containing a geometric line directly connecting the pump and the nozzle (as recited in claim 33); and
- the "flexible tube" of CAMPBELL may have a first end connected to a horizontal sleeve end extending horizontally from the pump (albeit with handle 12), but the second end (i.e., item 108) is not attached to a horizontally arranged nozzle fixed to the housing (e.g., the "nozzle 20" of CAMPBELL is not fixed to the housing).

Therefore, CAMPBELL fails to anticipate the claimed invention, and withdrawal of the rejection is respectfully requested.

Claim Rejections-35 USC §103

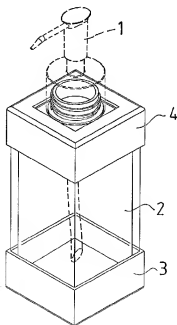
Claims 19, 20 and 26 were rejected under 35 U.S.C. § 103(a) as obvious over GODA in view of LEE U.S. 2003/0160070. This rejection is respectfully traversed for the reasons that follow.

Claims 19, 20 and 26 are dependent on claim 13, which is not anticipated by GODA.

LEE discloses conventional liquid containers the reservoirs (2) of which can be of different shapes.

However, LEE fails to remedy the deficiencies of GODA for references purposes.

The dispensing nozzles (1) of LEE are slidably movable with the ejection assembly, and, thus, LEE fails to suggest a nozzle fixed to the device, or fixedly attached to a reservoir:



As a result, the combination of GODA and LEE does not teach any outlet member being connected fixedly to the reservoir.

Thus, claim 13 is not rendered obvious by the combination of GODA and LEE. As a result, claim 19, 20 and 26, which are dependent on claim 13, are not rendered obvious by the combination of GODA and LEE.

Claims 13, 15-23, 25 and 26 were rejected under 35 U.S.C. § 103(a) as obvious over CAMPBELL in view of GODA. This rejection is respectfully traversed for the reasons that follow.

CAMPBELL was offered for a pump dispensing device "substantially as claimed". The Official Action acknowledged that the pump, or actuator 62, is not aligned along the central axis of the reservoir.

GODA was offered for teaching a pump dispenser having an actuator and pump (43 and 44) aligned along the central axis of the reservoir 10.

However, the combination does not teach the subject matter of independent claim 13 in that:

- CAMPBELL fails to teach a push-button (as discussed relative to the anticipation rejection); and

- CAMPBELL fails to teach a connecting member having a first end connected to an actuation member and a second end connected to an outlet member that is connected fixedly to the reservoir; and
- CAMPBELL fails to teach a vertical flat plane containing a geometric line directly connecting said actuating member.

As discussed above relative to the anticipation rejection based on GODA:

- GODA does not disclose any nozzle fixed to the device, because the outlet tube (82) is free when in use, and can only be received in the rest arm (99) when not in use; and
- the outlet tube, when received in a hole of the rest arm, is not secured, so it is not fixed.

Thus, at the very least the combination fails to teach an outlet member connected fixedly to the reservoir as recited in claim 13.

Therefore, the combination fails to render obvious claims 13, 15-23, 25 and 26, and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in

condition for allowance and early notice to that effect is hereby requested.

Should the Examiner has any comments or proposals for expedited prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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